

REMARKS

Claims 1, 3-10, and 12-14 remain pending in this application. In the Office Action dated March 12, 2007, the Examiner rejected claims 1, 3-6, 9, 10, and 14 under 35 U.S.C. § 103(a) as being unpatentable over International Publication No. WO 97/15009 to Bajpai ("*Bajpai*") in view of U.S. Patent 6,260,048 to Carpenter et al. ("*Carpenter*"); rejected claim 7 under 35 U.S.C. § 103(a) as being unpatentable over *Bajpai* and *Carpenter* in view of U.S. Patent No. 6,460,070 to Turek et al. ("*Turek*"); rejected claim 8 under 35 U.S.C. § 103(a) as being unpatentable over *Bajpai* and *Carpenter* in view of U.S. Patent No. 5,111,384 to Aslanian et al. ("*Aslanian*"); and rejected claims 12 and 13 under 35 U.S.C. § 103(a) as being unpatentable over *Bajpai*, *Carpenter*, and *Aslanian* in view of International Publication No. WO 01/18652 A1 to Cha et al. ("*Cha*").

Applicant respectfully traverses the Examiner's rejections and requests allowance of the present application in view of the following remarks.

I. Rejection of Claims 1, 3-6, 9, 10, and 14

Applicant respectfully traverses the rejections of claims 1, 3-6, 9, 10, and 14 under 35 U.S.C. § 103(a) because no *prima facie* case of obviousness has been established. As M.P.E.P. § 2142 states, "[t]he Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness."

To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See M.P.E.P. § 2142, 8th Ed., Rev. 5 (August 2006). Moreover, "in formulating a rejection under 35 U.S.C. § 103(a) based upon a combination of prior art elements, it remains necessary to identify the reason why a person of ordinary skill in the art

would have combined the prior art elements in the manner claimed.” USPTO Memorandum from Margaret A. Focarino, Deputy Commissioner for Patent Operations, May 3, 2007, page 2.

Here, no *prima facie* case of obviousness has been established for at least the reason that the cited references fail to teach or suggest each and every element of the claims.

For example, independent claim 1 recites, *inter alia*, that “the first and second auxiliary systems are adapted to forward, to the service system, preliminary solutions based on the auxiliary knowledge representations when a problem is escalated to the service system.” The Examiner concedes that *Bajpai* does not teach this element and instead alleges that it is taught by *Carpenter* (Office Action, page 4, lines 1-10).

However, this is not correct.

Carpenter appears to be directed to “[a] technical support incident resolution facility [that] handles incidents, which are unexpected results which occur during the use of products.” (*Carpenter*, Abstract). Initially, when a fault arises, a diagnostic program runs a diagnostic test to “try to resolve the incident.” (*Carpenter*, column 4, lines 41-45). However, if the diagnostic test fails to resolve the problem, the diagnostic program issues a trouble ticket. “The trouble ticket reflects the fact that a diagnostic test failed, augmented with a description of the symptom(s) of the failure as well as other automatically collected relevant information.” (*Carpenter*, column 4, lines 46-52. emphasis added).

The Examiner alleges that “a trouble ticket [from *Carpenter*] reflecting a failure including a description of fault symptoms and other relevant information is a preliminary

solution” (Office Action, page 4, lines 4-6, emphasis added). However, the Examiner provides no reasoning or basis for this interpretation. In fact, “fault symptoms” and “relevant information” in the trouble ticket do not constitute “solutions,” much less “preliminary solutions based on the auxiliary knowledge representations,” as required by independent claim 1.

The Examiner further alleges that “a trouble ticket as taught by *Carpenter et al.* containing failure information in attempt of a solution based on knowledge representation database 23 is interpreted as a preliminary solution, in light of the exemplary problem/solution data as described in Applicant’s Specification in paragraph [065](2).” (Office Action, page 4, lines 6-10, emphasis added). Applicant notes that any embodiments in Applicant’s disclosure are illustrative only, and that it is improper for the Examiner to import claim limitations from the specification (see MPEP 2111.01).

Regardless, the portion of Applicant’s specification cited by the Examiner states, in part, “[a]uxiliary system 200 does not solve the problem but forwards a package with problem P data in combination with preliminary solutions S” (Applicant’s Specification, paragraph 065, emphasis added). Therefore, both Applicant’s disclosure and the claims recite “preliminary solutions.” However, neither the “fact that a diagnostic test failed,” “a description of the symptom(s),” nor “relevant information,” from *Carpenter* constitute or suggest “preliminary solutions,” as required by independent claim 1. In fact, *Carpenter* is completely silent with respect to “solutions” as claimed.

Bajpai fails to cure the noted deficiencies of *Carpenter*, nor does the Examiner allege that it does. That is, *Bajpai* also fails to teach or suggest that “the first and second auxiliary systems are adapted to forward, to the service system, preliminary

solutions based on the auxiliary knowledge representations when a problem is escalated to the service system," as recited in independent claim 1.

Therefore, *Bajpai* and *Carpenter*, whether taken alone or in combination, fail to establish a *prima facie* case of obviousness with respect to independent claim 1. Accordingly the rejection to claim 1 under 35 U.S.C § 103(a) is improper and should be withdrawn for at least these reasons.

Independent claim 9, while differing in scope, contains elements similar to those noted above with respect to independent claim 1. As noted above, *Bajpai* and *Carpenter* fail to establish a *prima facie* case of obviousness with respect to independent claim 1. Therefore, *Bajpai* and *Carpenter* fail to establish a *prima facie* case of obviousness with respect to independent claim 9. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of independent claim 9 under 35 U.S.C § 103(a).

Claims 3-6, 10, and 14 depend from claims 1 or 9 and, therefore, require all elements thereof. As set forth above, *Bajpai* and *Carpenter* fails to establish a *prima facie* case of obviousness with respect to claims 1 and 9. Accordingly, the rejection of claims 3-6, 10, and 14 under 35 U.S.C. § 103(a) should be withdrawn at least due to this dependence.

II. Rejections of Claims 7, 8, 12, and 13

Applicant respectfully traverses the rejections of claims 7, 8, 12, and 13, under 35 U.S.C. § 103(a) because no *prima facie* case of obviousness has been established for at least the reason that the cited references fail to teach or suggest each and every

element of claim 1, from which these claims depend. In particular, *Turek*, *Aslanian*, and *Cha* fail to cure the noted deficiencies of *Bajpai* and *Carpenter*. That is, *Turek*, *Aslanian*, and *Cha*, fail to teach or suggest the claimed “first and second auxiliary systems adapted to forward, to the service system, preliminary solutions based on the auxiliary knowledge representations when a problem is escalated to the service system,” as required by claim 1. Therefore, *Bajpai*, *Carpenter*, *Turek*, *Aslanian*, and *Cha*, whether taken alone or in any combination, do not teach or suggest each element of claims 7, 8, 12, and 13 at least due to their dependence from independent claim 1. Accordingly, a *prima facie* case of obviousness has not been established with respect to claims 7, 8, 12, and 13 and the 35 U.S.C. § 103(a) rejections should be withdrawn.

CONCLUSION

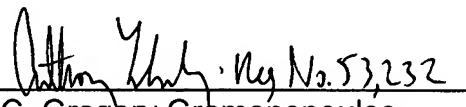
In view of the foregoing, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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